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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,937	07/31/2001	James W. Morton	110275-120 US1	1517
24395	7590	07/21/2004	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP THE WILLARD OFFICE BUILDING 1455 PENNSYLVANIA AVE, NW WASHINGTON, DC 20004			NAJJAR, SALEH	
		ART UNIT		PAPER NUMBER
		2157		4
DATE MAILED: 07/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/917,937	MORTON ET AL.
	Examiner Saleh Najjar	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 July 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

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1. This action is responsive to the application filed on July 31, 2001. Claims 1-22 are pending. Claims 1-22 represent a system and method for a wireless electronic mail or messaging integrated and/or associated with application program residing on remote computing device.

2. Claims 1-22 are objected to because of the following informalities:
Claim 10 does not exist in the claim sequence. Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, and 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gernert et al., U.S. Patent No. 6,694,366.

Gernert teaches the invention substantially as claimed including data reconciliation between a computer and a mobile data collection terminal (see abstract).

As to claim 1, Gernert teaches a wireless communications system for use in the transportation industry, comprising:

at least one data transmission device including a user interface providing a user functionality to enter into said at least one data transmission device at least one predefined data field and data associated with the at least predefined data field, the at least one predefined data field and the data associated therewith formatted in accordance with a standard format including at least one first standard format for the at least one predefined data field and at least one second standard format for the data, and the data including inventory data (see fig. 1; col. 6, lines 1-10; col. 7, lines 1-20, Gernert discloses a mobile computer terminal for entering user data into fields which are formatted and structured for transmission to host terminal application program).

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at least one remote computing device, operatively connectable to said at least one data transmission device, and receiving each of the at least one predefined data field and the data transmitted by said at least one data transmission device, and processing the at least one first standard format for the at least one predefined data field and the at least one second standard format for the data responsive to the standard format using at least one application program stored on said at least one remote computing device configured to receive the standard format comprising the at least one first standard format for the at least one predefined data field and the at least one second standard format for the data (see figs. 1-2; col. 7, lines 1-20, Gernert discloses a computer host for receiving acquired data into host application); and

at least one network operatively connectable to each of said at least one data transmission device and each of said at least one remote computing device, and transmitting the at least one first standard format for the at least one predefined data field and the at least one second standard format for the data responsive to the standard format to said at least one remote computing device and receiving the at least one first standard format for the at least one predefined data field and the at least one second standard format for the data responsive to the standard format from said at least one data transmission device (see fig. 1; col. 7-9).

Gernert fails to teach the claimed limitation wherein the data includes at least one of economic and logistical data relating to at least one of shipment, delivery and receipt of shipped goods. Gernert does teach that data transmitted by the field mobile device comprise inventory data (see col. 6-7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gernert by specifying the inventory data as one of shipment, delivery and receipt of shipped goods since the same functionality of performing inventory tasks is performed.

As to claim 2, Gernert teaches the wireless communications system as recited in claim 1, wherein each standard format comprises a shipper zip, a consignee zip (see col. 6-8).

Gernert fails to teach the limitation wherein each standard format comprises

a bill of lading, a weight, a number of pieces shipped, a delivery date, a name of an individual who signed a delivery receipt, a product number, an indication that the goods are delivered, an indication that the goods are picked up, an estimated time of arrival, a comment, an indication that a trailer is being dropped off, an indication that a trailer is being picked up, a drop/hook indication, and an indication that the goods are at least one of over, short and damaged.

However, "Official Notice" is taken that the concept and advantages of transmitting data representative of a bill of lading, a weight, a number of pieces shipped, a delivery date, a name of an individual who signed a delivery receipt, a product number, an indication that the goods are delivered, an indication that the goods are picked up, an estimated time of arrival, a comment, an indication that a trailer is being dropped off, an indication that a trailer is being picked up, a drop/hook indication, and an indication that the goods are at least one of over, short and damaged is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gernert by specifying inventory data as a bill of lading, a weight, a number of pieces shipped, a delivery date, a name of an individual who signed a delivery receipt, a product number, an indication that the goods are delivered, an indication that the goods are picked up, an estimated time of arrival, a comment, an indication that a trailer is being dropped off, an indication that a trailer is being picked up, a drop/hook indication, and an indication that the goods are at least one of over, short and damaged so that a complete and descriptive data are transmitted regarding the inventory items.

As to claim 3, Gernert teaches the wireless communications system as recited in claim 1, wherein each of the at least one predefined data field comprises a user-entered predefined representation corresponding to at least one of a word and phrase and facilitates utilization of at least a portion of the transmitted data with at least one of the data file and the data file format associated with at least application program residing on said at least one remote computing device (see col. 6, lines 1-10).

As to claim 4, Gernert teaches the wireless communications system as recited in claim 3, wherein each of the at least one predefined data field comprises a user-entered predefined representation corresponding to at least one of a word and phrase comprising a bill of lading, a weight, a shipper zip, a consignee zip, a number of pieces shipped, a delivery date, a name of an individual who signed a delivery receipt, a product number, an indication that the goods are delivered, an indication that the goods are picked up, an estimated time of arrival, a comment, an indication that a trailer is being dropped off, an indication that a trailer is being picked up, a drop/hook indication, and an indication that the goods are over, short or damaged (see col. 6-7).

As to claim 5, Gernert teaches the wireless communications system as recited in claim 1, wherein each of the at least one data transmission device is a portable device (see col. 5-7).

As to claim 6, Gernert teaches the wireless communications system as recited in claim 1, wherein each of the at least one data transmission device verifies that the user has entered a valid predefined data field prior to transmission (see col. 6-8).

As to claim 7, Gernert teaches the wireless communications system as recited in claim 1, wherein each of the at least one remote computing device verifies that a valid data field has been received prior to utilizing the transmitted data (see col. 6-8).

As to claim 8, Gernert teaches the wireless communications system as recited in claim 1, wherein each of the at least one networks comprise:

a scheduler determining which of the at least one data transmission devices are active; a device action manager receiving notification from said scheduler and monitoring which of said at least one transmission devices have requested to download a message from the at least one remote computing device; a download manager receiving notification via said scheduler at which time messages associated with each of the at least one data transmission device are to be downloaded (see col. 7, Gernert teaches that the mobile computer terminal periodically checks for communication impedance);

a message lookup manager determining an identifier associated with each message associated with each of the at least one transmission device and selecting

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those messages that have not been downloaded from the at least one remote computing device to the respective first communications device (see col. 7-8, Gernert teaches that a message id is associated with the transmitted data structure) ; and

a message processor for retrieving messages from the remote computing device and transmitting the messages to the respective data transmission device as determined by a selection system (see col. 7-9).

As to claim 12, Gernert teaches the system according to claim 8 wherein said download manager downloads messages subsequent to receiving an indication from said scheduler and said lookup manager (se col. 7-9).

As to claim 13, Gernert teaches the system according to claim 8 wherein said message processor converts the message format of the at least one second communications device to a message format of the at least one data transmission device (see col. 6-8).

As to claim 14, Gernert teaches the system according to claim 8 wherein said lookup manager deletes a message record when a corresponding message is transmitted to the at least one data transmission device (see col. 7-8).

As to claim 15, Gernert teaches the system according to claim 8 wherein said scheduler further determines the time at which each of the at least one data transmission devices are to receive a message (see co. 6-8).

As to claim 16, Gernert teaches the system according to claim 1 wherein each of said at least one data transmission device have a common domain name associated therewith (see col. 8-9).

As to claim 17, Gernert teaches the system according to claim 8, wherein said scheduler accesses subscriber information from the selection system to determine user specified download times (see col. 6-8).

Claims 18-22 do not teach or define any new limitations above claims 1-8, 12-17 and therefore are rejected for similar reasons.

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5. Claims 9, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar

Primary Examiner / Art Unit 2157